

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2005 OCT -5 PM 1:47

In the Matter of:

Edward Sickler

Pines Lodge
Buffalo, WY 82414

Respondent

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Docket No. SDWA-08-2003-0074 VIII

Proceedings under section 1414(g) of
the Safe Drinking Water Act,

42 U.S.C. § 300g-3(g),
PWS ID # 5600641

FILED
HEARING CLERK

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ORDERED to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

October 5, 2005
DATE

Alfred C. Smith
Alfred C. Smith
Regional Judicial Officer

4. This Agreement, upon incorporation into a final consent order, will apply to and be binding upon EPA and upon the Respondent and the Respondent's successors and assigns.

This Agreement contains all terms of the settlement agreed to by the parties.

5. The Respondent consents and agrees to pay a civil penalty in the amount of four thousand dollars (\$4,000.00) by September 15, 2005 or, alternatively, four thousand sixty dollars and twenty-one cents (\$4,060.21), payable in installments as indicated below:

<u>INSTALLMENT NUMBER</u>	<u>AMOUNT</u>	<u>DUE DATE</u>
First Installment	\$1,000.00	September 15, 2005
Second Installment	\$1,020.07	September 15, 2006
Third Installment	\$1,020.07	September 15, 2007
Fourth Installment	\$1,020.07	September 15, 2008

6. If payments are in installments, each payment shall be made by remitting a cashier's or certified check for the installment amount, stating "In the Matter of Edward Sickler, Docket No. SDWA-08-2003-0074," payable to "Treasurer, United States of America," to:

Mellon Bank
P.O. Box 360859
Pittsburgh, PA 15251-6859

If payment is in one lump sum, it shall be made by remitting a cashier's or certified check for the full amount, also including the statement "In the Matter of Edward Sickler, Docket No. SDWA-08-2003-0074," payable to "Treasurer, United States of America," to:

Mellon Bank
P.O. Box 360859
Pittsburgh, PA 15251-6859

percent (6%) per annum penalty shall be assessed on any unpaid principal amount if any penalty installment payment is not received within 90 days of the due date. Payments are first applied to accrued interest, penalty and/or handling charge; the balance is then applied to the outstanding principal amount.

10. Nothing in this Agreement shall relieve the Respondent of the duty to comply with the SDWA and its implementing regulations.

11. Any failure by the Respondent to comply with any of the terms of this Agreement shall constitute a breach of this Agreement and may result in referral of the matter to the United States Department of Justice for enforcement of this Agreement and for such other relief as may be appropriate.

12. Nothing in this Agreement shall be construed as a waiver by EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of any failure of the Respondent to comply with this Agreement.

13. The Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

14. The parties agree to submit this Agreement to the Regional Judicial Officer for EPA Region 8, with a request that it be incorporated into a final consent order.

15. Each party shall bear its own costs and attorneys' fees in this matter.

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **EDWARD SICKLER, PINES LODGE, DOCKET NO.: SDWA-08-2003-0074** was filed with the Regional Hearing Clerk on October 5, 2005.


Further, the undersigned certifies that a true and correct copy of the document was delivered to Margaret "Peggy" Livingston, Enforcement Attorney, U.S. EPA - Region 8, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt October 5, 2005, to:

Edward Sickler
146 Williams Street
Buffalo, WY 82834

and hand carried to:

Honorable Alfred C. Smith
Presiding Judicial Officer (8RC)
U. S. Environmental Protection Agency
999 18th Street, Suite 300
Denver, CO 80202-2466

October 5, 2005


Tina Artemis
Regional Hearing Clerk